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10/532,777	04/22/2005	Samuel Ejnesman	12430	6673
25570	7590	12/18/2007		
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			EXAMINER	
			SAWHNEY, HARGOBIND S	
			ART UNIT	PAPER NUMBER
			2885	
			NOTIFICATION DATE	DELIVERY MODE
			12/18/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Dbeltran@rmhlaw.com  
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## Office Action Summary

Application No.

10/532,777

Applicant(s)

EJNESMAN, SAMUEL

Examiner

Hargobind S. Sawhney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 10, 12-16, 20, 21, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 8, 17-19, 22, 23, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The amendment filed on October 9, 2007 has been filed. Accordingly:
  - The specification has been amended;
  - Claims 1, 10, 15 and 17 have been amended;
  - Claim 11 has been canceled; and
  - New claims 18-27 have been added.

### ***Claim Objections***

2. Claims 1-27 are objected to because of the following informalities:

Claim 1, lines 5 and 9, "components attachable" and "means adapted to releasably fix" are not positive limitations, but only requires the ability to perform.

Similar deficiencies also exist in claims 4, 6, 8, 10, 12, 13, 15, 17, 18 and 19.

Therefore all claims 1-27 are objected.

Appropriate correction is required.

The above-discussed limitations should be rephrased as follows:

"components attachable" should be rephrased – components attached--; and  
"means adapted to releasably fix " should be rephrased as – means releasably fixed--.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 and 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.: 1,701,149 (Eha).

Regarding claim 1, Eha discloses a lighting system (Figures 1-4) comprising:

- A frame 13 including an open central area (Figure 1 and 4, line 59); a support means 6 for supporting a lamp 7 (Figure 4, lines 49-52); a pair of substantially semi-circular planar components 8 attachable together for the use by a pair of spaced apart hinges 15'- the combination including elements 10, 13 and 15-17- (Figure 4, lines 62-77).
- the hinges 10'- the combination including elements 10 and 15 - adapted for rotation of the planar components about the main axis 4, 4 - the axis joining the centers of the opposing hinges 10' (Figure); each of the hinges 10' including a fixation means 15 releasably fixing the relative position of the planar components 13 (Figure 4, lines 62-65); extensible shade means 12 (Figure 4, lines 57 and 78).

As discussed above, Eha discloses a lighting system including attachable semi-circular planar components instead of V-shaped components as claimed by the applicant.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the lighting system of Eha by providing V-shaped- a decorative feature- attachable components instead of that of semi-circular shapes- a decorative

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feature-, since it has been held that a change in shape or configuration, without any criticality, is nothing more than one of numerous shapes that one of ordinary skill in the art will find obvious to provide based on the suitability for the intended final application. See *In re Dailey*, 149 USPQ 47 (CCPA 1976). It appears that the disclosed device disclosed by Eha would perform equally well with attachable V-shaped components.

Regarding claims 2-7 and 9, Eha, modified as discussed above, discloses the lighting system (Figures 1-4) further comprising:

- each of the pair of hinges 10' including hinge elements 10 and 15 (Figure 4, lines 62-65); the axel of each of the hinges 10' including threaded bolt means 15 (Figure 4, lines 62-65); each of the hinge means 10' including threaded portion receiving the bolt means 15, thus applying compressive force to the hinge means 10' (Figure 4, lines 62-65); the threaded portions of element 10 and 15 being adjacent the open central area defined by the planar components 13 (Figure 4); each of the hinges 10' including a pair of non-axial contact surfaces – the surfaces of elements 15 and 17, normal to the axis- in contact with the eye element 14 of the planar component 13 (Figure 4, lines 67-70); each of the contact surfaces of the elements 15 and 17 being between the hinge elements 17 and 10 (Figure 4, lines 67-70); and means 14 able to guide – broadly interpreted as allowing axial movement- the planar components 13 together along the main axis with unthreading the element 15 (Figure 4, lines 57-60).

Regarding claims 10 and 12-16, Eha, modified as discussed above, discloses the lighting system meeting the limitations in similar manner as that applied to respective claims 1-7, 9, 20 and 24 discussed above.

5. Claims 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.: 1,701,149 (Eha) in view of US Patent No.: 2,080,786 (J. A. Robles).

Regarding claim 20, Eha, modified as discussed above, discloses the lighting system comprising V-shaped attachable components as applied to claim 1 above. However, Eha, modified as discussed above, does not teach the narrow end of each of the V-shaped including a detachable spherical element.

On the other hand, J. A. Robles discloses a collapsible cover 2 including: a pair of ends 14 and 15 with hinges; and a detachable spherical element 40 mounted at the extreme end away from the hinge ends 14 and 15.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the lighting system of Eha by providing the spherical element detachably mounted at the end other than those with hinges as taught by J. A. Robles for the benefits of facilitating movements of the planar V-shaped components.

Regarding claim 24, Eha, modified as discussed above, in view of J. A. Robles discloses the lighting system configured as a pedestal lamp or wall lamp. However, neither in combination nor individually Eha and J. A. Robbles discloses a swage lamp, table lamp or a plural lamp.

It has been held that a recitation with respect to the manner in which a claim apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitation.

Regarding claims 21 and 25, Eha, modified as discussed above, discloses the lighting system meeting the limitations in similar manner as that applied to respective claims 20 and 24 discussed above.

***Allowable Subject Matter***

6. Claims 8 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the objections discussed in section 2 above, and rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record, including Eha, does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a lighting system combining:

- A pair of hinges each including conical surfaces adapted to be fit one in other, and contacting hinge elements as recited in each of claims 8 and 17.

The above-indicated combination, including a pair of telescopic conical contact surfaces, usable for a lamp hinge, appears unique.

7. Claims 18, 19, 22, 23, 26 and 27 would be allowable if rewritten or amended to overcome the objections set forth in section 2 of this Office action.

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The prior art of record, including Eha, does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a lighting system combining:

- A pair of hinges each including conical surfaces adapted to be fit one in other, and contacting hinge elements as recited in each of the newly added independent claims 18 and 19.

The above-indicated combination, including a pair of telescopic conical contact surfaces, usable for a lamp hinge, appears unique.

Claims 22 and 26 would necessarily be allowed because of their dependency on the allowable claim 18.

Claims 23 and 27 would necessarily be allowed because of their dependency on the allowable claim 19.

### ***Response to Amendment***

8. Applicant's arguments filed on October 9, 2007 with respect to the 35 U.S.C. 102(b) rejections of claims 1-7 and 9-16 have been fully considered but are moot in view of the new ground(s) of rejections necessitated by the amendment.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



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Stewart (US Patent No.: 6,431,393 B1) and Schoepe (US Patent No.: 4,422,441).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S. Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jong-Suk (James) Lee can be reached on 571 272 7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS

12/10/2007

Examiner: /Hargobind S. Sawhney/

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